

# **EXHIBIT 1**

**From:** [Vuong, Sarah L. \(CIV\)](#)  
**To:** [Arulanantham, Ahilan](#)  
**Cc:** [jessica@ndlon.org](#); [Emi MacLean](#); [Martinez Tiffer, Stephany](#); [Bryant, Lauren E \(CIV\)](#); [Dichter, Anna L. \(CIV\)](#); [Weiland, William H. \(CIV\)](#); [Restrepo, Luz Maria \(CIV\)](#); [Snyderman, Eric M. \(CIV\)](#); [Hartman, Jeffrey M. \(CIV\)](#); [Ross, Catherine \(CIV\)](#)  
**Subject:** RE: NTPSA - Request for Rule 26 conference and for Administrative Record  
**Date:** Thursday, March 6, 2025 9:04:23 AM

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Good morning, Ahilan,

Defendants understand your position. However, as an action for review on an administrative record, this case is exempt from initial disclosures and the need to hold a discovery planning conference. FRCP 26(a), (f). Until the court rules on the threshold challenge to the court's jurisdiction, production of an administrative record, not to mention any extra record discovery, is not appropriate. Regardless, in the event the court denies Defendants forthcoming motion to dismiss, Defendants are already taking steps to compile an administrative record.

Best,  
Sarah

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**From:** Arulanantham, Ahilan <arulanantham@law.ucla.edu>  
**Sent:** Thursday, March 6, 2025 8:48 AM  
**To:** Vuong, Sarah L. (CIV) <Sarah.L.Vuong@usdoj.gov>  
**Cc:** [jessica@ndlon.org](#); [Emi MacLean <EMacLean@aclunc.org>](#); [Martinez Tiffer, Stephany <martineztiffer@law.ucla.edu>](#); [Bryant, Lauren E \(CIV\) <Lauren.E.Bryant@usdoj.gov>](#); [Dichter, Anna L. \(CIV\) <Anna.L.Dichter@usdoj.gov>](#); [Weiland, William H. \(CIV\) <William.H.Weiland@usdoj.gov>](#); [Restrepo, Luz Maria \(CIV\) <Luz.Maria.Restrepo@usdoj.gov>](#); [Snyderman, Eric M. \(CIV\) <Eric.M.Snyderman@usdoj.gov>](#); [Hartman, Jeffrey M. \(CIV\) <Jeffrey.M.Hartman@usdoj.gov>](#)  
**Subject:** [EXTERNAL] Re: NTPSA - Request for Rule 26 conference and for Administrative Record

Dear Sarah,

Apologies for the multiple emails, but I want to send one further message about this before we seek the court's intervention. Under the practice in this district, Defendants cannot stay or postpone discovery based on an anticipated or pending motion to dismiss. I believe we litigated the same issue in front of the same judge in a materially identical posture in *Ramos*, and we prevailed.

Given this, we would ask that you reconsider your decision, and that you proceed with the call as originally scheduled so we can discuss the topics as listed in my email below.

If we don't hear from you, we will assume your position remains unchanged and will file

a motion for an order requiring you to confer as the rules require.

Take care,  
ahilan

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**From:** Arulanantham, Ahilan <[arulanantham@law.ucla.edu](mailto:arulanantham@law.ucla.edu)>  
**Date:** Wednesday, March 5, 2025 at 6:55 PM  
**To:** Vuong, Sarah L. (CIV) <[Sarah.L.Vuong@usdoj.gov](mailto:Sarah.L.Vuong@usdoj.gov)>  
**Cc:** [jessica@ndlon.org](mailto:jessica@ndlon.org) <[jessica@ndlon.org](mailto:jessica@ndlon.org)>, Emi MacLean <[EMacLean@aclunc.org](mailto:EMacLean@aclunc.org)>, Martinez Tiffer, Stephany <[martineztiffer@law.ucla.edu](mailto:martineztiffer@law.ucla.edu)>, Bryant, Lauren E (CIV) <[Lauren.E.Bryant@usdoj.gov](mailto:Lauren.E.Bryant@usdoj.gov)>, Dichter, Anna L. (CIV) <[Anna.L.Dichter@usdoj.gov](mailto:Anna.L.Dichter@usdoj.gov)>, Weiland, William H. (CIV) <[William.H.Weiland@usdoj.gov](mailto:William.H.Weiland@usdoj.gov)>, Restrepo, Luz Maria (CIV) <[Luz.Maria.Restrepo@usdoj.gov](mailto:Luz.Maria.Restrepo@usdoj.gov)>, Snyderman, Eric M. (CIV) <[Eric.M.Snyderman@usdoj.gov](mailto:Eric.M.Snyderman@usdoj.gov)>, Hartman, Jeffrey M. (CIV) <[Jeffrey.M.Hartman@usdoj.gov](mailto:Jeffrey.M.Hartman@usdoj.gov)>  
**Subject:** Re: NTPSA - Request for Rule 26 conference and for Administrative Record

Thanks for letting us know Sarah.

We disagree with your position, as neither the rules nor Judge Chen's standing order state that a party can forego disclosures pending litigation of an un-filed motion to dismiss. But we will assume tomorrow's call is off given that you have taken this view.

Take care,  
ahilan

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**From:** Vuong, Sarah L. (CIV) <[Sarah.L.Vuong@usdoj.gov](mailto:Sarah.L.Vuong@usdoj.gov)>  
**Sent:** Wednesday, March 5, 2025 6:13 PM  
**To:** Arulanantham, Ahilan <[arulanantham@law.ucla.edu](mailto:arulanantham@law.ucla.edu)>  
**Cc:** [jessica@ndlon.org](mailto:jessica@ndlon.org) <[jessica@ndlon.org](mailto:jessica@ndlon.org)>; Emi MacLean <[EMacLean@aclunc.org](mailto:EMacLean@aclunc.org)>; Martinez Tiffer, Stephany <[martineztiffer@law.ucla.edu](mailto:martineztiffer@law.ucla.edu)>; Bryant, Lauren E (CIV) <[Lauren.E.Bryant@usdoj.gov](mailto:Lauren.E.Bryant@usdoj.gov)>; Dichter, Anna L. (CIV) <[Anna.L.Dichter@usdoj.gov](mailto:Anna.L.Dichter@usdoj.gov)>; Weiland, William H. (CIV) <[William.H.Weiland@usdoj.gov](mailto:William.H.Weiland@usdoj.gov)>; Restrepo, Luz Maria (CIV) <[Luz.Maria.Restrepo@usdoj.gov](mailto:Luz.Maria.Restrepo@usdoj.gov)>; Snyderman, Eric M. (CIV) <[Eric.M.Snyderman@usdoj.gov](mailto:Eric.M.Snyderman@usdoj.gov)>; Hartman, Jeffrey M. (CIV) <[Jeffrey.M.Hartman@usdoj.gov](mailto:Jeffrey.M.Hartman@usdoj.gov)>  
**Subject:** RE: NTPSA - Request for Rule 26 conference and for Administrative Record

Thanks, Ahilan.

Looking at this further, and after consulting with our client, holding a 26f conference at this

stage is unwarranted and premature. As you have seen in our response to your motion to postpone, Defendants assert that the court lacks jurisdiction to review the determinations made by Secretary Noem in this case. Defendants will assert such in a forthcoming motion to dismiss pursuant to Rule 12. That motion must be resolved first.

Best,  
Sarah

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**From:** Arulanantham, Ahilan <[arulanantham@law.ucla.edu](mailto:arulanantham@law.ucla.edu)>  
**Sent:** Wednesday, March 5, 2025 12:30 PM  
**To:** Vuong, Sarah L. (CIV) <[Sarah.L.Vuong@usdoj.gov](mailto:Sarah.L.Vuong@usdoj.gov)>  
**Cc:** [jessica@ndlon.org](mailto:jessica@ndlon.org); Emi MacLean <[emaclean@aclunc.org](mailto:emaclean@aclunc.org)>; Martinez Tiffer, Stephany <[martineztiffer@law.ucla.edu](mailto:martineztiffer@law.ucla.edu)>; Bryant, Lauren E (CIV) <[Lauren.E.Bryant@usdoj.gov](mailto:Lauren.E.Bryant@usdoj.gov)>; Dichter, Anna L. (CIV) <[Anna.L.Dichter@usdoj.gov](mailto:Anna.L.Dichter@usdoj.gov)>; Weiland, William H. (CIV) <[William.H.Weiland@usdoj.gov](mailto:William.H.Weiland@usdoj.gov)>; Restrepo, Luz Maria (CIV) <[Luz.Maria.Restrepo@usdoj.gov](mailto:Luz.Maria.Restrepo@usdoj.gov)>; Snyderman, Eric M. (CIV) <[Eric.M.Snyderman@usdoj.gov](mailto:Eric.M.Snyderman@usdoj.gov)>  
**Subject:** [EXTERNAL] Re: NTPSA - Request for Rule 26 conference and for Administrative Record

Thanks Sarah. I would like to cover the topics in Rule 26f as they pertain to our case. As I see it, those are:

1. **Timing of initial disclosures** – we would propose 14 days
2. **Possibilities for prompt settlement or resolving the case** – not sure if there will be much here, but we should at least discuss
3. **Scope of discovery** – we can discuss our ideas in general terms, and then follow up with our requests shortly after the meeting
4. **Changes to limits on discovery** – we don't anticipate suggesting any for now, but would reserve the right to seek them later if needed
5. **Preservation of Evidence** – any issues with preserving discoverable information
6. **Electronically stored information** – any preservation and production issues
7. **Privilege/Work Product issues** – not sure if there's anything you will want to discuss here

And then the two other topics on our list would be the CAR production timing, and then whether you intend to oppose our motion to allow some plaintiffs to proceed pseudonymously.

Of course we are happy to discuss other topics if you have them—just let us know in advance if you can.

Talk to you tomorrow.

Take care,  
ahilan

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**From:** Vuong, Sarah L. (CIV) <[Sarah.L.Vuong@usdoj.gov](mailto:Sarah.L.Vuong@usdoj.gov)>  
**Date:** Tuesday, March 4, 2025 at 10:41 AM  
**To:** Arulanantham, Ahilan <[arulanantham@law.ucla.edu](mailto:arulanantham@law.ucla.edu)>  
**Cc:** [jessica@ndlon.org](mailto:jessica@ndlon.org) <[jessica@ndlon.org](mailto:jessica@ndlon.org)>, Emi MacLean <[emaclean@aclunc.org](mailto:emaclean@aclunc.org)>, Martinez Tiffer, Stephany <[martineztiffer@law.ucla.edu](mailto:martineztiffer@law.ucla.edu)>, Bryant, Lauren E (CIV) <[Lauren.E.Bryant@usdoj.gov](mailto:Lauren.E.Bryant@usdoj.gov)>, Dichter, Anna L. (CIV) <[Anna.L.Dichter@usdoj.gov](mailto:Anna.L.Dichter@usdoj.gov)>, Weiland, William H. (CIV) <[William.H.Weiland@usdoj.gov](mailto:William.H.Weiland@usdoj.gov)>, Restrepo, Luz Maria (CIV) <[Luz.Maria.Restrepo@usdoj.gov](mailto:Luz.Maria.Restrepo@usdoj.gov)>, Snyderman, Eric M. (CIV) <[Eric.M.Snyderman@usdoj.gov](mailto:Eric.M.Snyderman@usdoj.gov)>  
**Subject:** RE: NTPSA - Request for Rule 26 conference and for Administrative Record

Hi Ahilan,

One follow up question here. Aside from the CAR, what specific topics do you intend to discuss at the meet and confer?

Best,  
Sarah

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**From:** Arulanantham, Ahilan <[arulanantham@law.ucla.edu](mailto:arulanantham@law.ucla.edu)>  
**Sent:** Monday, March 3, 2025 9:23 PM  
**To:** Vuong, Sarah L. (CIV) <[Sarah.L.Vuong@usdoj.gov](mailto:Sarah.L.Vuong@usdoj.gov)>  
**Cc:** [jessica@ndlon.org](mailto:jessica@ndlon.org); Emi MacLean <[emaclean@aclunc.org](mailto:emaclean@aclunc.org)>; Martinez Tiffer, Stephany <[martineztiffer@law.ucla.edu](mailto:martineztiffer@law.ucla.edu)>; Bryant, Lauren E (CIV) <[Lauren.E.Bryant@usdoj.gov](mailto:Lauren.E.Bryant@usdoj.gov)>; Dichter, Anna L. (CIV) <[Anna.L.Dichter@usdoj.gov](mailto:Anna.L.Dichter@usdoj.gov)>; Weiland, William H. (CIV) <[William.H.Weiland@usdoj.gov](mailto:William.H.Weiland@usdoj.gov)>  
**Subject:** [EXTERNAL] Re: NTPSA - Request for Rule 26 conference and for Administrative Record

Thanks so much Sarah—and glad to hear about the weekend!

I've sent the invite to you and the other attorneys on this email. Let me know if you don't get it. And if others in the DOJ should be included, please let me know.

Take care,  
ahilan

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**From:** Vuong, Sarah L. (CIV) <[Sarah.L.Vuong@usdoj.gov](mailto:Sarah.L.Vuong@usdoj.gov)>  
**Date:** Monday, March 3, 2025 at 6:13 PM  
**To:** Arulanantham, Ahilan <[arulanantham@law.ucla.edu](mailto:arulanantham@law.ucla.edu)>  
**Cc:** [jessica@ndlon.org](mailto:jessica@ndlon.org) <[jessica@ndlon.org](mailto:jessica@ndlon.org)>, Emi MacLean <[emaclean@aclunc.org](mailto:emaclean@aclunc.org)>, Martinez Tiffer, Stephany <[martineztiffer@law.ucla.edu](mailto:martineztiffer@law.ucla.edu)>, Bryant, Lauren E (CIV) <[Lauren.E.Bryant@usdoj.gov](mailto:Lauren.E.Bryant@usdoj.gov)>, Dichter, Anna L. (CIV) <[Anna.L.Dichter@usdoj.gov](mailto:Anna.L.Dichter@usdoj.gov)>, Weiland, William H. (CIV) <[William.H.Weiland@usdoj.gov](mailto:William.H.Weiland@usdoj.gov)>  
**Subject:** RE: NTPSA - Request for Rule 26 conference and for Administrative Record

Hi Ahilan,

I had a wonderful weekend, and I hope you did as well. I have moved Chris to bcc, as he will not be an attorney of record in this case. We are available to meet this week on Thursday at 1PST/4EST. Thank you for sending the teams invite. Also, the agency is in the process of putting together the administrative record.

Best,  
Sarah

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**From:** Arulanantham, Ahilan <[arulanantham@law.ucla.edu](mailto:arulanantham@law.ucla.edu)>  
**Sent:** Friday, February 28, 2025 8:30 PM  
**To:** Vuong, Sarah L. (CIV) <[Sarah.L.Vuong@usdoj.gov](mailto:Sarah.L.Vuong@usdoj.gov)>; Lynch, Christopher M. (CIV) <[Christopher.M.Lynch@usdoj.gov](mailto:Christopher.M.Lynch@usdoj.gov)>; Bryant, Lauren E (CIV) <[Lauren.E.Bryant@usdoj.gov](mailto:Lauren.E.Bryant@usdoj.gov)>  
**Cc:** [jessica@ndlon.org](mailto:jessica@ndlon.org); Emi MacLean <[EMacLean@aclunc.org](mailto:EMacLean@aclunc.org)>; Martinez Tiffer, Stephany <[martineztiffer@law.ucla.edu](mailto:martineztiffer@law.ucla.edu)>  
**Subject:** [EXTERNAL] NTPSA - Request for Rule 26 conference and for Administrative Record

Dear Sarah, Chris, and Lauren,

I hope you all are well and can get at least some rest this weekend.

We write to discuss two related discovery issues. First, as I'm sure you both know, under Rule 26(f) the "parties must confer as soon as practicable," Fed. R. Civ. P. 26(f)(1), with lead trial counsel attending, NDCA L.R. 16-3.

To that end, please let us know which of the following days or times in the

coming week work for Defendants to meet with us in compliance with the requirements of Rule 26(f)(1). (Times listed are Pacific time):

- Tuesday, 8am-9am; 12pm-1pm;
- Wednesday, 8am-11am;
- Thursday, 8am-9am; 1pm-3pm; and
- Friday, 9am-12pm.

We will send a Teams link for any time you choose.

Second, as you know the APA requires the government to produce a certified administrative record for cases involving judicial review of administrative action. See generally *Camp v. Pitts*, 411 U.S. 138 (1973). Please let us know when Defendants will produce the administrative record.

Take care,  
ahilan

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Ahilan Arulanantham (he or they)

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